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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,592	06/25/2001	Alex D. Starkovich	ITL.1693US (P10394)	2119
21906 7590 11/29/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER RAMPURIA, SHARAD K	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 11/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/891,592

Applicant(s)

STARKOVICH ET AL.

Examiner

Sharad Rampuria

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### *Drawings*

II. The drawings are objected to because “*the unlabeled rectangular box(es) shown in the drawings should be provided with descriptive text labels.*” Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Disposition of the claims***

III. The current office-action is in amendment filed on 09/24/2007.

Accordingly, Claims 1-28 are pending for further examination as follows:

***Claim Rejections - 35 USC § 103***

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9-14, 17-21, 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patil [US 6625460] in view of Motohashi (US 6351639).

As per claim 1, Patil teaches:

A method of transmitting a message from a portable communication device (10; Fig.1, Abstract) comprising:

Preparing the message to be transmitted, wherein preparing includes receiving the message from a user of the portable communication device via an input/output (I/O) module of the portable communication device; (e.g. user can compose the message by utilizing user-interface; Col.4; 4-21)

Associating the message with a user defined event, wherein the user defined event is defined by the user of the portable communication device and includes to specify at least one condition upon which transmission of the message will occur; (e.g. the message sent upon triggering the condition; Col.5; 16-24) and

Patil doesn't teach specifically, transmitting the message from the portable communication device together with an instruction to control an activity of a recipient of said message. However, Motohashi teaches in an analogous art that transmitting the message from the portable communication device together with an instruction to control an activity of a recipient of said message. (e.g. control an activity of a recipient of message; Col.21; 19-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transmitting the message from the portable communication device together with an instruction to control an activity of a recipient of said message in order to provide a telephone whose settings can be changed telephone by means of transmission of a request from a calling telephone to the called telephone.

Regarding Claim 2, Patil disclosed the method of claim 1, wherein transmitting the message includes transmitting the message from the portable communication device to a base station with instructions to cause said base station to transmit said message at a predetermined time. (e.g. time; Col.5; 16-32)

Regarding Claim 3, Patil disclosed the method of claim 1, further comprising specifying the user defined event. (e.g. the user-define triggering condition; Col.4; 63-Col.5; 24)

Regarding Claim 4, Patil disclosed The method of claim 3, wherein specifying the user defined event includes specifying the date and time for transmission of the message. (e.g. the triggering condition include certain time/day; Col.5; 16-24)

Regarding Claims 5, 17, Patil disclosed the method of claims 3, 13 respectively, wherein specifying the user defined event includes specifying an acceptable cost level at which the message is to be sent. (e.g. the cost; Col.5; 16-24)

Regarding Claim 9, Patil disclosed The method of claim 1, further comprising compressing the message only when the portable communication device is coupled to a stable power supply. (10; Fig.1, col.3; 11-26)

Regarding Claim 10, Patil disclosed all the particulars of the claim except transmitting the message includes wirelessly transmitting the message to a receiver and disabling a ringing function of the receiver. However, Motohashi teaches in an analogous art, that the method of claim 1, wherein transmitting the message includes wirelessly transmitting the message to a receiver and disabling a ringing function of the receiver. (Col.21; 19-35)

Regarding Claim 11, Patil disclosed The method of claim 1, further comprising storing the message in memory in the portable communication device. (e.g. memory; col.3; 55-63, col.4; 27-55)

Regarding Claim 12, Patil disclosed The method of claim 11, wherein storing the message in memory includes storing the message in non-volatile memory. (e.g. memory; col.3; 55-63, col.4; 27-55)

As per claim 13, Patil teaches:

A method of transmitting a message to a portable communication device (10; Fig.1, Abstract) comprising:

Receiving a message from a user of the portable communication device via an input/output (I/O) module of the portable communication device; (e.g. user can compose the message by utilizing user-interface; Col.4; 4-21)

Storing the message in memory; (e.g. memory; col.3; 55-63, col.4; 27-55)

Defining a transmission condition for when the message is to be transmitted the transmission condition being defined by the user; associating the message with the transmission condition. (e.g. the message sent upon triggering the condition; Col.5; 16-24)

Patil doesn't teach specifically, transmitting the message from the portable communication device together with an instruction to disable ringing of the message recipient's telephone. However, Motohashi teaches in an analogous art that transmitting the message from the portable communication device together with an instruction to disable ringing of the message recipient's telephone. (e.g. control an activity of a recipient of message; Col.21; 19-35)

Regarding Claims 14, 21, Patil disclosed The method of claims 13, 20, wherein defining a transmission condition includes defining a time when the message is to be transmitted. (e.g. the triggering condition include certain time/day; Col.5; 16-24).

Regarding Claim 18, Patil disclosed The method of claim 13, further comprising receiving the message with an antennae on the portable communication device. (10; fig.1, Col.3 11-18)

Regarding Claim 20, Patil disclosed The portable communication device of claim 19, where in the processor is further adapted to monitor the operation of the portable communication device and determine if the user defined event has occurred. (e.g. the triggering condition include certain time/day; Col.5; 16-24).)

**Claims 19** is the apparatus, claim corresponding to device claim 13 respectively, and rejected under the same rational set forth in connection with the rejection of claim 13 respectively, above.

**Claims 24-28** are the An article comprising: a storage medium having stored thereon instructions, that, when executed by a computing platform, claim corresponding to device claims 19-21 respectively, and rejected under the same rational set forth in connection with the rejection of claims 19-21 respectively, above.



Claims 6 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patil & Motohashi further in view of Yach et al. (US 20020128036).

Regarding Claims 6, 8 the above combination disclosed all the particulars of the claim except the user defined event includes specifying an acceptable transmission power level at which the message is to be sent. However, Yach teaches in an analogous art, that the method of claim 3, wherein specifying the user defined event includes specifying an acceptable transmission power level or distance at which the message is to be sent. (Pg.7; 0064) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event includes specifying an acceptable transmission power level at which the message is to be sent in order provide transmission power control method in achieving the target.

Claims 7, 15-16, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patil & Motohashi further in view of Price et al. (US 20020082881).

Regarding Claims 16, 23 the above combination disclosed all the particulars of the claim except defining an acceptable quality of service level for when the message is to be transmitted. However, Price teaches in an analogous art, that the method of claims 13, 20 respectively, wherein defining a transmission condition includes defining an acceptable quality of service level for when the message is to be transmitted. (Pgs.3-4; 0052) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event includes specifying an acceptable quality of service level at which the message is to be

sent in order to provide information exchange with communication network based on user needs and network capacity.

Regarding Claims 7, 15, 22 the above combination disclosed all the particulars of the claim except the user defined event includes specifying an acceptable security level at which the message is to be sent. However, Price teaches in an analogous art, that the method of claims 3, 13, 20 wherein specifying the user defined event includes specifying an acceptable security level at which the message is to be sent. (Pg.7; 0095)

***Response to Amendments & Remarks***

V. Applicant's arguments with respect to claims 1-28 has been fully considered but is moot in view of the new ground(s) of rejection.

***Conclusion***

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

[EBC@uspto.gov](mailto:EBC@uspto.gov).

/Sharad Rampuria/  
Patent Examiner  
Art Unit 2617